

**To:** Lauren Charney/R2/USEPA/US@EPA[]  
**From:** "McFadden, Kathleen M. UTCHQ"  
**Sent:** Thur 11/12/2009 7:21:22 PM  
**Subject:** RE: Lower Ley Creek Subsite-call Thursday

I was finally able to join--I called Jean McCreary's administrative assistant and got the number. I joined about 10 minutes late.

Can you re-check the e-mail for me to make sure that this doesn't happen again? It's kathleen.mcfadden@utc.com

Kathleen McFadden  
Phone: 860-728-7895 Fax: 860-660-0301 Cell 860-930-0484

-----Original Message-----

From: Charney.Lauren@epamail.epa.gov  
[mailto:Charney.Lauren@epamail.epa.gov]  
Sent: Thursday, November 12, 2009 1:00 PM  
To: McFadden, Kathleen M. UTCHQ  
Subject: RE: Lower Ley Creek Subsite-call Thursday

Kathleen,

I apologize if you were unable to participate in the call. I tried to emailed you the call in information a few days ago, but the email was repeatedly bounced back.

Sorry again,  
Lauren

"McFadden,  
Kathleen M.  
UTCHQ" To  
<Kathleen.McFadden@UTC.COM> Lauren Charney/R2/USEPA/US@EPA,  
"McCreary, Jean"  
<JMcCreary@nixonpeabody.com>  
11/12/2009 09:02 cc  
AM "Frank C. Pavia"  
<fpavia@HarrisBeach.com>,  
<Gary.Gengel@lw.com>,  
<haustin@hancocklaw.com>,  
"McCreary, Jean"  
<JMcCreary@nixonpeabody.com>,  
<Keith.Odenweller@CooperIndustries.com>,  
<KMurphy@WladisLawFirm.com>,  
<kovacs@libbey.com>,

<LuisMendez@ongov.net>,  
<RCapozza@hblaw.com>,  
<jredwine@alixpartners.com>,  
<thomas.goslin@weil.com>, Joel  
Singerman/R2/USEPA/US@EPA, Pam  
Tames/R2/USEPA/US@EPA, Robert  
Nunes/R2/USEPA/US@EPA, Argie  
Cirillo/R2/USEPA/US@EPA  
Subject  
RE: Lower Ley Creek Subsite-call  
Thursday

Is there a call in number?

Kathleen McFadden  
Phone: 860-728-7895 Fax: 860-660-0301 Cell 860-930-0484

-----Original Message-----

From: Charney.Lauren@epamail.epa.gov  
[mailto:Charney.Lauren@epamail.epa.gov]  
Sent: Monday, November 09, 2009 4:31 PM  
To: McCreary, Jean  
Cc: Frank C. Pavia; Gary.Gengel@lw.com; haustin@hancocklaw.com;  
McCreary, Jean; McFadden, Kathleen M. UTCHQ;  
Keith.Odenweller@CooperIndustries.com; KMurphy@WladisLawFirm.com;  
kovacs@libbey.com; LuisMendez@ongov.net; RCapozza@hblaw.com;  
jredwine@alixpartners.com; thomas.goslin@weil.com;  
Singerman.Joel@epamail.epa.gov; Tames.Pam@epamail.epa.gov;  
Nunes.Robert@epamail.epa.gov; Cirillo.Argie@epamail.epa.gov  
Subject: Lower Ley Creek Subsite-call Thursday

EPA is available to participate in a conference call with the parties  
who received notice letters for lower ley creek this Thursday, November  
12, 2009 at 9am. I will circulate a call-in number shortly.

Thanks,

Lauren P. Charney  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel, EPA Region 2  
290 Broadway, 17th Floor  
New York, NY 10007  
Tel: 212-637-3181

Fax: 212-637-3104

"McCreary, Jean"  
<JMcCreary@nixon  
peabody.com> To  
Lauren Charney/R2/USEPA/US@EPA  
11/06/2009 04:02 cc  
PM "McCreary, Jean"  
<JMcCreary@nixonpeabody.com>,  
"Frank C. Pavia"  
<fpavia@HarrisBeach.com>,  
<Keith.Odenweller@CooperIndustrie  
s.com>, <RCapozza@hblaw.com>,  
<KMurphy@WladisLawFirm.com>,  
<Kathleen.McFadden@UTC.COM>,  
<haustin@hancocklaw.com>,  
<LuisMendez@ongov.net>,  
<Gary.Gengel@lw.com>,  
<kovacs@libbey.com>  
Subject  
RE: FW: Lower Ley Creek Subsite

Lauren, I have received responses from enough of the folks listed above expressing interest in a call with EPA regarding this sub-site to convene the call. Given the availability that has been expressed to me, the best days are Wednesday or Thursday before noon, and we have assumed Wednesday may be a holiday (Veterans's Day) for some governmental parties, so we ask that you try to set the call up between 9-12 on Thursday, November 12, and advise the persons copied. Thanks very much.

[I have not been able to reach the GM contact, so if you have an e-mail for Ms. Roma, please include her in your distribution of any call-in information].

Jean McCreary

-----Original Message-----

From: McCreary, Jean  
Sent: Friday, November 06, 2009 1:30 PM  
To: 'Charney.Lauren@epamail.epa.gov'  
Cc: McCreary, Jean

Subject: RE: FW: Lower Ley Creek Subsite

Thank you for that offer, Lauren. I have reached out to the counsel listed to see if there is interest. Please note, you have the e-mail address for me in the letter and your message below as "jgreenthal@nixonpeabody.com." He is not handling this matter and my e-mail address is jmccreary@nixonpeabody.com -- which should be reflected on all mailing/distribution lists. We would hope that you would discuss any technical basis EPA has for deeming this a sub-site even if "nexus" information relating to the parties is not a permitted topic of discussion, given that there is insufficient time in the 14-day response window you provided to make a FOIL/FOIA request. Jean

-----Original Message-----

From: Charney.Lauren@epamail.epa.gov  
[mailto:Charney.Lauren@epamail.epa.gov]  
Sent: Friday, November 06, 2009 1:16 PM  
To: McCreary, Jean  
Subject: Re: FW: Lower Ley Creek Subsite

Hi Jean,

I apologize for not responding sooner. I was away at a training all week with limited email access. All 8 of the PRPs listed in the letter received notice letters for Lower Ley Creek. Not all of the recipients were listed as addressees on the letter you received because two different letters were sent out (one went to owners/arrangers and another to just arrangers). EPA is set to conduct some preliminary sampling in November (not conduct the entire RI/FS). The purpose of the notice letter was to give PRPs the opportunity to fund or perform the RI/FS. I'd be happy to arrange a conference call next week with all the PRPs who received these letters to discuss whether any party (or parties) would be interested in performing or funding the RI/FS--however, will not discuss nexus issues on such a call. Please let me know if this is of interest to you and I'll arrange a date/time.

The names and addresses of the PRPs who received the notice letter for Lower Ley Creek are as follows (please note, GM's notice letter was sent to Laura Romeo, but I have since learned that, due to the GM bankruptcy, Jim Redwine should now be the contact. I do not have his address, but his telephone number is 212-906-2146):

Laura L. Romeo, Esq.  
General Motors Legal Staff  
Manufacturing Labor & Environmental  
WFG Business Unit Counsel-MC-482-C24-D24  
300 Renaissance Center  
P.O. Box 300  
Detroit, Mi 48265- 3000

Keith H.Odenweller, Esq.  
Associate General Counsel  
Cooper Industries

600 Travis Street, Suite 5600  
Keith.Odenweller@CooperIndustries.com

Richard R. Capozza, Esq. (National Grid)  
Hiscock & Barclay, LLP  
1 Park Place  
300 South State Street  
Syracuse, NY 13202-2078  
rcapozza@hblaw.com

Kevin C. Murphy, Esq. (Onondaga County)  
Wladis Law Firm, P.C.  
5795 Widewaters Pkwy  
Syracuse, N.Y. 13214  
kmurphy@wladislawfirm.com

Frank C. Pavia, Esq. (Town of Salina)  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, NY 14534  
fpavia@harrisbeach.com

Kathleen McFadden, Esq.  
Corp Carrier. c/o UTC  
One Financial Plaza; M/S 524- Legal  
Hartford, Connecticut 06101  
Kathleen.mcfadden@utc.com

Holly K. Austin, Esq. (Oberdorfer)  
Hancock & Estabrook, LLP  
1500 AXA Tower 1, 100  
Syracuse, New York 13202  
hastin@hancocklaw.com

Jean McCreary, Esq.  
Nixon Peabody LLP  
1100 Clinton Square  
Rochester, New York 14604  
jgreenthal@nixonpeabody.com

"McCreary, Jean"  
<JMcCreary@nixon  
peabody.com> To  
Lauren Charney/R2/USEPA/US@EPA  
11/04/2009 10:39 cc  
PM "McCreary, Jean"  
<JMcCreary@nixonpeabody.com>  
Subject  
FW: Lower Ley Creek Subsite

Lauren, would you please send me the full list of addressees for the Lower Ley Creek letter? My letter was missing page 4. I would like to be able to reach out to all of the counsel to whom the letter was sent (I assume all are in the Onondaga Lake site list, but wanted to confirm) in case there is a desire for counsel to collectively discuss the letter.

Other than the cost information, is there any technical information regarding this site that you can provide?

Also, the letter seeks a response in 14 days of receipt but also says that "work will begin in November" which suggests that a decision has been made by EPA to proceed notwithstanding any response from the noticed parties (especially given how long it takes to get contracts in place, etc.). Is it still EPA's intention to begin work in November or is this a carryover from an earlier draft of the letter? Syracuse China did not get the letter until November 2....

Thanks very much.

Jean H. McCreary  
Partner  
Nixon Peabody LLP  
1100 Clinton Square  
Rochester, NY 14604  
P (585) 263-1611  
C (585) 281-7098  
F (866) 743-0241  
jmccreary@nixonpeabody.com  
www.nixonpeabody.com

This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system. Thank you.

